

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-312-T - ORDER NO. 94-688 *vc*
JULY 15, 1994

IN RE: Application of Spinco, Inc., 3721 Harlee Avenue, P. O. Box 667847, Charlotte, NC 28266-7847, to Transfer Class E Certificate No. 412-A to Golds, Inc., 3721 Harlee Avenue, P. O. Box 667847, Charlotte, NC 28266-7847.) ORDER
TRANSFERRING
CERTIFICATE

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application filed by Spinco, Inc. (the Transferor), whereby the Transferor seeks certain relief in the nature of the approval of the transfer of its Certificate of Public Convenience and Necessity to Golds, Inc. (the Transferee).

Subsequent to the initiation of this proceeding, the Commission Staff instructed the Transferor to cause to be published a prepared Notice of Filing in certain newspapers of general circulation in the State of South Carolina.¹ The Notice of Filing

¹See, Smith & Smith, Inc. vs. The Public Service Commission of South Carolina, et.al., 271 S.C. 405, 247 S.E.2d 677 (1978).

indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file the appropriate pleadings. No Protests or Petitions to Intervene were filed with the Commission.

Upon consideration of the merits of the instant Application, the representations contained therein, and the documentary evidence attached thereto, the Commission finds that: (1) the transfer of the Certificate will not adversely affect the service to the public authorized by said Certificate; and (2) service under said Certificate has been continuously offered and reasonably provided to the public up to the time of filing of the Application. While the Commission finds that the Transferee is willing and able to provide the proposed service, it notes that the Transferee has not received a safety rating and, consequently, the Commission is unable to conclude that the Transferee is currently fit to provide the services requested.

The Commission finds and concludes, however, that the proposed transfer of the Certificate from the Transferor to the Transferee is in the public interest, and that the relief sought in the Application for transfer should be approved, contingent on the Transferee obtaining a satisfactory safety rating within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission, and compliance with the other requirements as stated below.

IT IS THEREFORE ORDERED:

1. That the proposed transfer of Certificate of Public

Convenience and Necessity No. 412-A from the Transferor to the Transferee be, and hereby is, approved.

2. That the Transferee file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, and obtain a satisfactory safety rating within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq., (1976), as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26, (1976), as amended, a certificate shall be issued to the Transferee authorizing the motor carrier services granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein shall not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)